

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

December 16, 2015
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Mayor W.J. “Jim” Lane, Scottsdale, Chair
Mayor Greg Stanton, Phoenix, Vice Chair
Vice Mayor Robin Barker, Apache Junction
Mayor Kenneth Weise, Avondale
Mayor Jackie Meck, Buckeye
Councilmember Mike Farrar, Carefree
Councilmember Dick Esser, Cave Creek
Mayor Jay Tibshraeny, Chandler
Mayor Lana Mook, El Mirage
* Mayor Tom Rankin, Florence
* President Ruben Balderas, Fort
McDowell Yavapai Nation
Mayor Linda Kavanagh, Fountain Hills
* Mayor Chuck Turner, Gila Bend
* Governor Stephen Roe Lewis, Gila River
Indian Community
Mayor John Lewis, Gilbert
Mayor Jerry Weiers, Glendale
Mayor Georgia Lord, Goodyear
* Mayor Rebecca Jimenez, Guadalupe

Mayor Thomas Schoaf, Litchfield Park
* Mayor Christian Price, City of Maricopa
Supervisor Denny Barney, Maricopa County
Mayor John Giles, Mesa
* Mayor Michael Collins, Paradise Valley
Mayor Cathy Carlat, Peoria
* Supervisor Todd House, Pinal County
Mayor Gail Barney, Queen Creek
* President Delbert Ray, Salt River
Pima-Maricopa Indian Community
Mayor Sharon Wolcott, Surprise
* Mayor Mark Mitchell, Tempe
* Mayor Adolfo Gamez, Tolleson
Mayor John Cook, Wickenburg
Mayor Michael LeVault, Youngtown
Mr. Roc Arnett, Citizens Transportation
Oversight Committee
* Mr. Joseph La Rue, State Transportation Board
Councilmember Jack Sellers, State
Transportation Board

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Chair W.J. “Jim” Lane, Scottsdale, at 11:35 a.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Mayor Gail Barney, Vice Mayor Robin Barker, Mayor Cathy Carlat, Councilman Dick Esser, Mayor Linda Kavanagh, Mayor Michael LeVault, Mayor Jay Tibshraeny, and Mayor Kenneth Weise joined the meeting by teleconference.

3. Call to the Audience

Chair Lane noted that no public comment cards had been received.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. He noted that the opening of the Northwest Light Rail Extension in Phoenix is anticipated for March 19, 2016.

Mr. Smith stated that the Pro Mexico office has opened in Phoenix. He extended his congratulations to Vice Chair Greg Stanton for his efforts on securing the office, which is one of 48 Pro Mexico offices located in 31 countries. Mr. Smith stated that working with Mexico has been one of the concepts of the MAG Economic Development Committee since its formation five years ago. Mr. Smith stated that the Economic Development Committee will work on promoting exports from Arizona to Mexico.

Mr. Smith stated that the founder of MAG, Mr. Jack DeBolske, recently received the Legacy Award from the ASU Morrison Institute. Mr. Smith noted that Mr. DeBolske promoted the Groundwater Act and the Proposition 300 election. He added that former elected officials and staff attended the awards ceremony.

Mr. Smith stated that work continues on the Tourism and Shopping Initiative (formerly the Border Crossing Card to increase its travel area). He stated that shoppers and visitors from Mexico spend approximately \$181 million in the state of Arizona each year. Mr. Smith noted that an administrative change by Homeland Security would be needed to increase the size of the travel area. He reported that the *Financial Times* recently interviewed elected people and others who have been involved in this proposal, and an article is anticipated soon. Mr. Smith stated that Mr. Garrick Taylor, of the Arizona Chamber of Commerce, was interviewed about the proposal on the television show, *Horizonte*. He stated MAG staff will send a link of Mr. Taylor's interview to the Regional Council after the meeting.

Mr. Smith stated that MAG recently hosted a meeting of regional planning agencies in the state and provided presentations on best practices, such as the Arizona State Retirement System.

Mr. Smith stated that a meeting of the Joint Planning Advisory Council called "The Sun Corridor - A Connected Economy" will take place on January 8, 2016, at the Tucson Convention Center. Mr. Smith extended his appreciation to Mr. Roc Arnett and Superstition Vistas for conducting a survey on values mapping. He said that the poll indicated that those surveyed care more about the environment and business than transportation. Mr. Smith stated that event presenters will include representatives from the Sonoran Institute and the Utah Chamber of Commerce and Department of Transportation. He urged members to register.

5. Approval of Consent Agenda

Chair Lane noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H were on the Consent Agenda.

Chair Lane asked if members had questions or requests for a presentation on any of the Consent Agenda items. None were noted.

Vice Chair Greg Stanton moved to approve the Consent Agenda. Councilmember Michael Farrar seconded, and the motion passed unanimously.

5A. Approval of the October 28, 2015, Meeting Minutes

The MAG Regional Council, by consent, approved the October 28, 2015, meeting minutes.

5B. 2015 Annual Report on the Status of the Implementation of Proposition 400

Proposition 400 was approved by the voters of Maricopa County in November 2004, and authorized the extension of a half-cent sales tax for use on transportation projects in the MAG Regional Transportation Plan. A.R.S. 28-6354 requires that MAG issue an annual report on projects included in Proposition 400, addressing factors such as project status, funding, and priorities. The 2015 Annual Report is the 11th report in the series and covers the status of the life cycle programs for freeways/highways, arterial streets, and public transit.

5C. Update on Federal Transit Administration Section 5304 Transit Planning Funding for FY 2016 Call for Projects by the Arizona Department of Transportation

The MAG Regional Council, by consent, approved the MAG Region 5304 planning projects list that was submitted to the Arizona Department of Transportation by December 4, 2015. In September 2015, the Arizona Department of Transportation (ADOT) issued a Notice of Funding Availability (NOFA) for Local Rural/Small Urban Transit Planning Projects using Federal Transit Administration (FTA) Section 5304 funding. Local and regional public agencies, tribes, and operators of transit services were directed to submit their applications through their Councils of Governments (COGs) and Metropolitan Planning Organizations (MPOs) to ADOT by December 4, 2015. The 5304 grant funding would permit the COG or MPO to conduct rural transit studies. Input was coordinated and solicited from MAG member agencies, Pinal County and peer COG/MPOs to compile a listing of all of the eligible, candidate projects that meet the FTA 5304 guidelines. Upon completion of this process, only three projects met the criteria. Approval of the MAG Region 5304 planning projects list that was submitted to the Arizona Department of Transportation by December 4, 2015, was requested.

5D. Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2016 CMAQ Funding

The MAG Regional Council, by consent, approved a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2016 Congestion Mitigation and Air Quality Improvement (CMAQ) funding and retain the prioritized list for any additional FY 2016 CMAQ funds that may become available due to closeout or additional funding received by this region. The Fiscal Year (FY) 2016 MAG Unified

Planning Work Program and Annual Budget and the FY 2014-2018 MAG Transportation Improvement Program contain \$1,530,113 in FY 2016 CMAQ funding to encourage the purchase and utilization of PM-10 Certified Street Sweepers. On October 22, 2015, the MAG Air Quality Technical Advisory Committee (AQTAC) recommended a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2016 CMAQ funding. Prior to the AQTAC recommendation, the MAG Street Committee reviewed the proposed street sweeper applications on October 13, 2015, in accordance with the MAG Federal Fund Programming Guidelines and Procedures. On November 18, 2015, the MAG Management Committee recommended approval of a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2016 CMAQ funding.

5E. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report was provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for FY 2015 CMAQ funding be purchased and reimbursement requests be submitted to MAG within one year from the date of the MAG authorization letter. In addition, recently MAG was notified of another instance in which a street sweeper disposal occurred without prior Arizona Department of Transportation approval. Arizona Department of Transportation procedures require that member agencies obtain ADOT approval before disposal of a CMAQ-funded street sweeper.

5F. Proposed 2016 Revision to the 2015 Edition of the MAG Standard Specifications and Details for Public Works Construction

The MAG Standard Specifications and Details Committee has completed its review of proposed revisions to the MAG Standard Specifications and Details for Public Works Construction. These revisions have been recommended for approval by the committee and have been reviewed by MAG member agency Public Works Directors and/or Engineers. It is anticipated that the 2016 Revision to the 2015 Edition will be available for purchase in early January 2016.

5G. Maricopa and Pinal County Resident Population and Employment Projections

The MAG Regional Council, by consent, approved the Maricopa County and Pinal County resident population and employment projections for 2015, 2020, 2025, 2030, 2035, 2040, 2045, and 2050 provided the Maricopa County and Pinal County control totals are within three percent of the final control totals. According to Executive Order 2011-04, the Arizona Department of Administration (ADOA) is responsible for preparing an official set of population projections for Arizona and each of its counties. ADOA has prepared a set of draft resident population projections for Maricopa and Pinal Counties consistent with the 2015 Population Estimates. MAG has also developed draft employment projections which are consistent with the ADOA population projections. Because there may be changes to the State and county projections totals by ADOA, on November 10, 2015, the MAG Population Technical Advisory Committee (POPTAC) recommended approval of the draft ADOA 2015 to 2050

population projections for Maricopa County and Pinal County; and the draft 2015 to 2050 employment projections for Maricopa County and Pinal County provided the Maricopa County and Pinal County control totals are within three percent of the final control totals. The projections are for 2015, 2020, 2025, 2030, 2035, 2040, 2045, and 2050. They will be used as the control totals from which MAG will develop a set of sub-regional projections that will be brought to the Management Committee and Regional Council in 2016. The Pinal County control totals will be presented to the Central Arizona Governments Regional Council. On November 18, 2015, the MAG Management Committee recommended approval of the Maricopa and Pinal County resident population and employment projections. Subsequent to the Management Committee meeting, the State Demographer revised the draft projections. The revised Pinal County population control total is 11.05 percent lower than the previous draft, and the revised Maricopa County population control total is 0.04 percent higher than the previous draft. Previously, the Pinal County 2050 population figure was 1,164,000. In the revised draft it is 1,036,000. Previously, the Maricopa County 2050 population figure was 6,696,000. In the revised draft it is 6,698,000. Employment totals were adjusted due to population change, with the population-to-employment ratios remaining constant.

5H. Approval of the Draft July 1, 2015 Municipality Resident Population Updates

The MAG Regional Council, by consent, approved the draft July 1, 2015 Municipality Resident Population Updates for MAG Member Agencies provided that the Maricopa County and Pinal County control totals are within one percent of the final control total. MAG staff has prepared draft July 1, 2015 Municipality Resident Population Updates for MAG Member Agencies. The Updates, which are used to prepare budgets and set expenditure limitations, were prepared using the 2010 Census as the base and updated with housing unit data supplied and verified by MAG member agencies. Since there may be changes to the Maricopa County and Pinal County control totals by the Arizona Department of Administration, on November 10, 2015, the MAG Population Technical Advisory Committee recommended approval of these draft Updates provided that the County control totals are within one percent of the final control total. The Pinal County control total and sub-county figures will be presented to the Central Arizona Governments Regional Council. On November 18, 2015, the MAG Management Committee recommended approval of the Draft July 1, 2015 Municipality Resident Population Updates.

6. MAG 208 Water Quality Management Plan Amendment for the Central Buckeye Wastewater Treatment Plant Arizona Pollutant Discharge Elimination System Permit Discharges to the Roosevelt Canal and Buckeye Canal

Ms. Julie Hoffman, MAG staff, reported on the City of Buckeye request for a MAG 208 Water Quality Management Plan Amendment for the Central Buckeye Wastewater Treatment Plant Arizona Pollutant Discharge Elimination System Permit Discharges to the Roosevelt Canal and Buckeye Canal.

Ms. Hoffman stated that the facility has a current capacity of 4.5 million gallons per day and is identified in the MAG 208 Plan with an ultimate capacity of 45.8 million gallons per day. She explained that effluent is currently disposed of through reuse and discharge to a lateral of the Buckeye Canal located adjacent to the facility.

Ms. Hoffman stated that the purpose of this amendment is to add additional Arizona Pollutant Discharge Elimination System discharge points for the Central Buckeye Wastewater Treatment Plant to the Roosevelt Canal and the main Buckeye Canal. The primary discharge point would be to the Roosevelt Canal. Ms. Hoffman stated that by discharging to the Roosevelt Canal, the City will receive Long Term Storage Credits that can be used to maintain its 100-year Assured Water Supply. She said that constructing the pipeline from the Central Buckeye Wastewater Treatment Plant up to the Roosevelt Canal will also provide the City with additional opportunities for reuse and recharge.

Ms. Hoffman stated that the discharge to the main Buckeye Canal would be a contingency discharge. In addition, the methods of effluent disposal currently identified in the MAG 208 Plan will continue to remain options, including the discharge to the lateral of the Buckeye Canal located adjacent to the facility.

Ms. Hoffman stated that unincorporated Maricopa County is located within three miles of the project and the County has submitted a letter indicating that the project does not conflict with County plans for the area and it is acceptable.

Ms. Hoffman stated that on October 1, 2015, the MAG Water Quality Advisory Committee authorized a public hearing be conducted on the 208 amendment. She said that the public hearing was held November 17th and no public comments were received. Immediately following the public hearing, the Water Quality Advisory Committee recommended approval of the 208 amendment. On November 18, 2015, the MAG Management Committee recommended approval to the MAG Regional Council. Ms. Hoffman stated that if approved by the Regional Council, the amendment would be transmitted to the State Water Quality Management Working Group for its January 5th meeting and then be submitted to the Arizona Department of Environmental Quality. By mid to late January, the Arizona Department of Environmental Quality would certify that the amendment is consistent with the MAG 208 Plan and submit it to Environmental Protection Agency for approval.

Chair Lane thanked Ms. Hoffman for her report and asked members if they had questions. No questions were noted.

Chair Lane noted that Pinal County, the Town of Florence, and the Cities of Apache Junction and Maricopa abstain on matters that are exclusive to the Maricopa County Boundary defined by State Law or through a planning designation by a Governor's Executive Order, including Section 208 Water Quality Management Planning. He added that these agencies participate in the Central Arizona Governments 208 water quality management planning process.

Mayor Lana Mook moved approval of the MAG 208 Water Quality Management Plan Amendment for the Central Buckeye Wastewater Treatment Plant Arizona Pollutant Discharge Elimination System Permit Discharges to the Roosevelt Canal and Buckeye Canal. Mayor Jerry Weiers seconded, and the motion passed.

7. Streamlining of the MAG 208 Plan Small Plant Review and Approval Process

Ms. Julie Hoffman, MAG staff, reported on streamlining of the MAG 208 Plan Small Plant Review and Approval Process. Ms. Hoffman noted that in August 2015, she presented to the Regional Council the

proposal for streamlining the 208 Water Quality Management Plan Process, which is the amendment process. She indicated that MAG shares the importance of economic development for the region with the Arizona Department of Environmental Quality (ADEQ) and agreed to work cooperatively with them on streamlining options for the process that do not jeopardize its integrity. Ms. Hoffman stated that the Proposal for Streamlining the 208 Water Quality Management Plan Process was approved by the MAG Regional Council on August 26, 2015.

Ms. Hoffman stated that the Stakeholder Group for 208 Streamlining recommended that corresponding changes be made to the MAG 208 Plan Small Plant Review and Approval Process. She explained that this is a shortened process for wastewater treatment plants 2.0 million gallons per day or less with no discharge. Ms. Hoffman stated that the Stakeholder Group that evaluated the 208 Process and recommended the corresponding changes included representatives from MAG member agencies – Buckeye, Glendale, Phoenix, Queen Creek and Maricopa County; private utilities – EPCOR and Liberty Utilities; homebuilders; and ADEQ. A representative from the Governor’s Office was also invited to participate.

Ms. Hoffman stated that by making the corresponding changes as recommended by the Stakeholder Group, the Small Plant Review and Approval Process has been streamlined and shortened from approximately 12 to 17 months to approximately six months. This represents a 50 to 65 percent reduction in the overall timeline for a Small Plant Review and Approval. Ms. Hoffman noted that just like the amendment process, improvements were made throughout the Small Plant Review and Approval Process including at the local level before an application is provided to MAG, the MAG Process at the regional level, and the ADEQ Process from the point in which the approved application is submitted to ADEQ from MAG.

Ms. Hoffman stated that on the MAG member agency portion of the process, the improvements made provide clarity, assistance to the business community, and a shortened time frame. First, the applicant would contact the jurisdiction in which the facility would be located to discuss the need for the Small Plant Review and Approval. If required, the applicant would draft the small plant document and submit it to the jurisdiction. Ms. Hoffman stated that the jurisdiction in which the facility would be located would have 60 days to determine the application complete. Once determined complete, the jurisdiction would have a 60 day deadline to review the small plant and submit the document to MAG. At the end of the 60 day review period, the application will come to MAG and be considered through the Small Plant Review and Approval Process.

Ms. Hoffman stated that during the 60 day review period, the jurisdiction where the facility would be located would conduct a workshop with jurisdictions within three miles of the Small Plant Review and Approval to inform them of the facility and request letters of no objection, support, or comment. The jurisdiction in which the facility would be located would also provide updates to MAG staff on these timelines so MAG knows when the Small Plant will be coming to MAG. Ms. Hoffman added that the applicant would identify and contact any private utilities within three miles of the Small Plant Review and Approval to make them aware.

Ms. Hoffman stated that improvements on the MAG portion of the process include changes that provide clarity, transparency, and a shortened time frame. She stated that a pre-application packet has been

developed that includes a business friendly fact sheet with a step-by-step description of the Small Plant Review and Approval Process; tables on the guidelines or criteria to be addressed in the Small Plant Review and Approval document; and links to previously approved Small Plant Review and Approvals to use as an example.

Ms. Hoffman stated that improvements on the ADEQ portion of the process include changes that provide parallel processing, concurrent reviews, and a shortened time frame. She noted that ADEQ has indicated that they could issue a conditional Aquifer Protection Permit that would allow for parallel processing and concurrent reviews with the Small Plant Review and Approval Process. Ms. Hoffman stated that this is a significant change. She explained that previously, ADEQ would not proceed with reviewing the small plant until it was approved through the Small Plant Review and Approval Process. Now the Small Plant Process and Aquifer Protection Permit process can occur in parallel. Ms. Hoffman stated that ADEQ has also indicated that within 15 days of receiving the Small Plant Review and Approval from MAG, they will make their certification decision.

Ms. Hoffman addressed next steps. She said that the Small Plant Review and Approval Process, as with the amendment process, will be evaluated annually to determine if additional improvements are necessary. Ms. Hoffman noted that these are corresponding changes to the Small Plant Review and Approval Process as recommended by the Stakeholder Group for 208 Streamlining.

Chair Lane thanked Ms. Hoffman for her report and asked members if they had questions. No questions were noted.

Chair Lane noted that Pinal County, the Town of Florence, and the Cities of Apache Junction and Maricopa abstain on matters that are exclusive to the Maricopa County Boundary defined by State Law or through a planning designation by a Governor's Executive Order, including Section 208 Water Quality Management Planning. He added that these agencies participate in the Central Arizona Governments 208 water quality management planning process.

Mayor Jerry Weiers moved approval of the Proposal for Streamlining the MAG 208 Water Quality Management Plan Small Plant Review and Approval Process. Supervisor Denny Barney seconded, and the motion passed.

8. EPA Proposed Revisions to the Exceptional Events Rule

Ms. Lindy Bauer, MAG staff, reported that on November 20, 2015, the Environmental Protection Agency (EPA) published a proposed rule with revisions to the 2007 Exceptional Events Rule to address issues raised by stakeholders and to provide clarity and increase the efficiency of the criteria and process. Ms. Bauer stated that the Exceptional Events Rule was flawed and requires extensive documentation on Exceptional Events. She said that staff is currently reviewing the revision and they feel that further streamlining is possible. Ms. Bauer noted that Exceptional Events include natural events such as dust storms, wildfires, stratospheric ozone intrusion and volcanic activities, and they feel when these events occur, they should not count against a region for air quality purposes.

Ms. Bauer stated that EPA proposed the changes to streamline the process and MAG staff has been working closely with the MAG special Washington, D.C., legal counsel on these proposed changes. She

noted that written comments are due by January 19, 2016. Ms. Bauer stated that Senator Jeff Flake has requested a 30-day extension of the comment period. She said that EPA indicated it intends to finalize the rule revisions and guidance before October 1, 2016.

Ms. Bauer reported that on December 8, 2015, EPA conducted a public hearing on these proposed revisions. She said that MAG, among others, testified at the public hearing. Ms. Bauer stated that staff worked with the MAG special Washington, D.C., legal counsel on the testimony. Ms. Bauer indicated that MAG's testimony indicated it was interested in EPA's pending rulemaking and any improvements that EPA could make to the Exceptional Events process. She added that MAG feels that EPA has made a good effort to improve the methods by which Exceptional Events are demonstrated.

Ms. Bauer stated that in the past, Exceptional Events demonstrations have cost MAG, Maricopa County, and the state considerable amounts of money and staff time, for example, \$675,000 in 2011 and 2012. She added that some of the changes proposed by EPA seem to streamline the process and lessen the burden on agencies, such as MAG, that prepare the documentation. Ms. Bauer stated that they reiterated MAG's top priorities: 1) more deference needs to be given to states in making Exceptional Events demonstrations. 2) the process documentation needs to be streamlined. 3) EPA must remain aware of unique differences in regional climates.

Ms. Bauer extended MAG's appreciation to Senator Flake and the Congressional Delegation for their work on this issue and to the EPA for proposing helpful revisions to the Exceptional Events Rule. She stated that other entities who also testified included ADEQ, Maricopa County, Westar, American Petroleum Institute, Asarco, Greater Phoenix Chamber of Commerce, Arizona Rock Products, Sierra Forest Legacy, and the Arizona Farm Bureau. Ms. Bauer stated that MAG will be working closely with ADEQ and Maricopa County Air Quality Department on written comments on Exceptional Events.

Chair Lane thanked Ms. Bauer for her report. He asked for clarification of the \$675,000 cost. Ms. Bauer replied that the \$675,000 was for staff time at MAG, ADEQ, and Maricopa County while preparing the documentation for Exceptional Events in 2011 and 2012.

Supervisor Denny Barney asked the purpose of the request for a 30-day extension of the comment period. Ms. Bauer replied that Senator Flake indicated concern that the 200 page document was being released over the holiday season and he requested the extension to allow entities time for review and comment.

Supervisor Barney asked if this would also extend the October deadline. Ms. Bauer replied that she did not know if it would impact the October deadline. EPA had not indicated if it would be granting the 30-day comment period extension.

Mayor Linda Kavanagh noted discussion at a past Regional Council meeting on ozone being transported from Mexico and California into this region. She asked if that was going to be included in the Exceptional Events Rule. Ms. Bauer replied that regarding the proposed revisions to Exceptional Events, there is also a guidance document on Exceptional Events demonstrations for wildfires. She noted that Exceptional Events, such as the recent fire in San Bernardino that caused emissions to transport here and increase ozone concentrations, are allowed.

Mayor Kavanagh noted that it was previously noted that the EPA was not differentiating ozone that was transported to Arizona from other places and ozone that originated here. She said that she remarked at the time that this region is being held responsible for events not under its control and that makes it difficult to meet the standard. Ms. Bauer replied that Mayor Kavanagh was correct. She said that EPA does not allow that type of transport to be counted as an Exceptional Event.

Mayor Kavanagh asked if MAG would be requesting that transport would be included in Exceptional Events. Mr. Dennis Smith stated that provisions for ozone transport exist for the eastern U.S., but he did not think there were similar provisions for the western U.S. Ms. Bauer stated that the northeastern states have some type of agreement, and EPA has indicated it might be working on provisions for the western U.S.

Mayor Lana Mook asked for an update on what is occurring at the Ninth Circuit Court. Ms. Bauer replied that the lawsuit filed by the Arizona Center for Law in the Public Interest to challenge approval of the MAG 2012 plan for PM-10 is still pending in the Ninth Circuit Court.

9. Legislative Update

Mr. Nathan Pryor, MAG staff, provided a report on legislative items of interest. He stated that President Obama signed the five-year Fixing America's Surface Transportation Act (FAST Act) on December 4, 2015. Mr. Pryor explained that the FAST Act represents an 11 percent increase in funding nationally.

Mr. Pryor stated that there is increased emphasis on streamlining and expediting project delivery, a return of a bus discretionary grant program, and a new multimodal freight program with funding that appears to be beneficial to Arizona. However, there does not appear to be an update to formula allocations and old data (like 2000 US Census) being used to determine funding allocations. Mr. Pryor remarked that this hurts high growth states like Arizona. He indicated that Congress seems reluctant to open formulas. Mr. Pryor stated that MAG and others have called attention to this issue and hopefully, it will be addressed in 2020 when a new decennial Census occurs.

Mr. Pryor stated that Arizona will see an increase of funding by nearly 13 percent (2015 versus 2020) in highway funding: almost a 4.5 percent increase in FFY 2016 and the roughly three percent year over year thereafter.

Mr. Pryor then addressed Surface Transportation Program funding, which is the most flexible type of funding that can be used for a variety of projects. He reported that under MAP 21, the MAG region received approximately \$51.56 million in FFY 2015. Under the proposed DRIVE Act, the MAG region would have received approximately \$48.5 million; this amount was affected by 15 percent off the top for bridges. Mr. Pryor stated that the proposed Wicker/Booker and Davis/Titus amendments would have provided approximately \$61.1 million to the MAG region. He said that the FAST Act represents a 3.5 percent increase to \$53.4 million in FFY 2016.

Mr. Pryor stated that some important designations in the FAST Act include the Sonoran Corridor, which is a bypass from Interstate 19 to Interstate 10 south of Tucson. This corridor could save time and it could open technology and defense industry areas for development. Mr. Pryor stated that another designation is Interstate 11 from Las Vegas to Reno and south of Phoenix to Tucson and Nogales. He

reported that a late effort by stakeholders to create a pilot program to allow projects like Interstate 11 to move forward with environmental studies with exemption to fiscal constraint issues did not take place. Mr. Pryor expressed appreciation to Transportation Policy Committee Chair Weiers for his letter of support that went to the Conference Committee.

Mr. Pryor stated that the Arizona Legislature will be back in session in January 2016. He noted that one of MAG's concerns is the Highway User Revenue Fund (HURF). He noted that there have been discussions with the Governor's Office regarding limiting HURF sweeps, however, ADOT is being conservative and is showing five more years of sweeps at \$120 million per year, or a total of \$600 million over five years. Mr. Pryor stated that keeping HURF funding to the \$20 million per year allowed in state statute means an additional \$500 million for state transportation projects. Mr. Pryor indicated he will continue to monitor this.

Mr. Dennis Smith reported that he sits on the Resource Allocation Advisory Committee. He indicated that last year he had voted no on the sweeps, but this year he voted yes with the caveat that ADOT present two scenarios: with sweeps and without sweeps. Mr. Smith stated that MAG awaits those numbers. He remarked that a way to fund DPS needs to be determined, especially with the number of freeway miles being added to the system. Mr. Smith said that Mr. John Halikowski's proposal last year was to increase the vehicle registration fee in order to fund DPS, however, it did not make it through the Senate. Mr. Smith stated that everyone needs to work together on getting DPS out of the HURF.

Mayor John Cook asked if more federal funding could accelerate construction of I-11 between I-10 and US-93. Mr. Pryor replied that more federal funding makes portions of I-11 eligible for funding, but he did not have a definitive timeline.

Mr. Smith commented on I-11. He stated that a new provision in the FAST Act is the freight provision, however, it is so narrowly constructed you would need a project ready to go. He explained that an environmental process cannot proceed without committed funding and there are other projects at MAG that have been pushed out. Mr. Smith stated that the letter written by TPC Chair Weiers requested an exception to allow for environmental work to be done and get a project ready. He indicated that the I-11 corridor could be a vital, national freight route. Mr. Smith also mentioned that without a centerline, the development community cannot donate right-of-way. He indicated that this is what they were trying to accomplish in conference committee and couched it as a pilot project. They were close, but could not get it into legislation.

Chair Lane asked if there were any updates to discussions with Rene Guillen from the Governor's Office regarding HURF and other transportation funding. Mr. Pryor replied that there were no further conversations. Chair Lane indicated that this might be the appropriate timing because the department of transportation is in sync with that proposal.

10. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

No requests were noted.

11. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor John Lewis extended his appreciation on behalf of the MAG Regional Council to Mr. Dennis Smith, whose 40th Anniversary at MAG was December 13.

Mr. Smith stated that MAG has been a vibrant organization and is out in front of its peers on many occasions. Mr. Smith stated that the organization has received great support from the local elected officials and this made MAG successful.

Chair Lane opened a holiday greeting card from citizens. He thanked the giver of the card.

Councilmember Jack Sellers congratulated Mr. Roc Arnett on his retirement from the East Valley Partnership, and to Mayor John Lewis for being named his replacement.

Chair Lane expressed his congratulations.

Mayor Greg Stanton stated that under the leadership of Mr. Roc Arnett, the East Valley Partnership has deservedly won almost every community award. He said that their work has affected the entire Valley, and the City of Phoenix in particular. Mayor Stanton presented Mr. Arnett with the Friend of Phoenix award for his contributions to this region.

Mr. Arnett stated that he was honored to serve on the Regional Council. He indicated that he was not sure if he would be reappointed. Mr. Arnett stated that he has seen a lot happen in the 18 years he served on the MAG Regional Council, including the Proposition 400 process. Mr. Arnett remarked that he was amazed at the amount of work by MAG. He thanked everyone for their friendship.

Adjournment

There being no further business, the meeting adjourned at 12:30 p.m.

Chair

Secretary